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REMARKS,

ADDRESSED TO

The REV. CHARLES WESTON,

CHAIRMAN OF A COMMITTEE

OF THE

DURHAM COUNTY AND CITY ASSOCIATION,

ON THE

RESOLUTIONS

Dated February 11, published February 19, 1793.

"Regard not who it is which speaketh, but weigh only what is spoken."

Hooker's Ecclesiastical Polity, Edit. of 1666, Preface 1 §.

SOLD BY

Mr HODGSON, Newcastle; Mr PENNINGTON, Durham; Mr
CHRISTOPHER, Stockton; Mr APPLETON, Darlington;
Mr GRAHAM, Sunderland; Mr DITCHEBURN,
South-Shields; and Mr CRAMPTON,
Bernard Castle.

PRICE TWOPENCE.

REMARKS,

ADDRESSED TO

THE REVEREND CHARLES WESTON.

REV. SIR,

AS you are the organ by which the Committee of the Durham Association announce their opinions, I hope I shall be excused in using you, also, as an instrument to convey my sentiments to them. At the same time, I am solicitous to assure you, that whatever is addressed to you in this letter is not intended to apply in your private capacity as an individual, but merely as the Chairman of a Committee, whose resolutions, being published, are vouched to be genuine by the sanction of your signature. Having thus disclaimed every Idea of private animosity, I shall proceed, with the less restraint, to the discussion of public affairs.

Perhaps, Sir, when you find yourself thus addressed, you may expect, that he, who thus takes advantage of your candor in giving your name to the public, should exhibit a similar proof in the subscription of his own.—Allow me, then, to apologize for the disappointment of this expectation. If Truth be discovered in the reason-

ing of this anonymous letter, *MR WESTON*, I am sure, will take her by the hand, without the formality of being introduced by a master of the ceremonies : and if the reasoning be false, no name, I am persuaded, could induce him to adopt its conclusions.—If indeed the subject were a statement of facts, where the assertion of the author was the sole evidence of truth, his name would be a necessary index to those circumstances, which should regulate the credibility of his attestation : but I shall be careful not to introduce any facts, which are not sanctioned by public notoriety, or historians of indubitable authority.

Having thus, I hope, obviated the objections to my address in general, I proceed to the particular subject of it—an examination of the Resolutions, which were not produced for the edification of the public, till the 19th of Feb. 1793, though adopted at a Meeting of your Committee on the 11th of the same month.

You commence with declaring, that “ The public sentiment is almost unanimous on the expediency of the present associations against Levellers and Republicans, and in support of the present Constitution.” It is difficult to discover what you here mean by an unanimity of sentiment : for if even a very large majority of the public were to join in this opinion, it would be the strongest possible proof, that these associations were *inexpedient*. If, by this expression you mean to assert, that the public sentiment of *Durham* is almost unanimous in such a declaration, I must confess my surprise, that the event of the meeting, on Dec. 20, has made so little impression on your minds : I must, therefore, call to your recollection, that, on that day, a large majority of the inhabitants disclaimed the views, and reprobated the sentiments of your society. But this total dissent you have contracted into a mere “ difference of opinion, on the existence or non-existence of seditious writings.” When you had proceeded so far, you might have safely declared a *perfect* coalition ; for it is false that the meeting of
Dec.

Dec. 20, denied the "*existence of seditious writings*;" but they denied *the propriety of the measures proposed to suppress them*. They maintained, that private individuals should not, "uncalled," intrude upon the province of the magistrate; and that "such interference was unnecessary," because, "the executive power was effectually guarded against abuses of this nature." (a) They considered men associating for such a purpose, as forming an inquisitorial tribunal, subversive of the peace and confidence of domestic life,—a tribunal assuming in its collective capacity the power of determining to be seditious writings and conversations of which the individual members had been the spies to procure information. So dangerous is the exercise of private judgment, on affairs of so delicate, and indefinite a nature, that the Constitution had confined the power of prosecution to an officer, whose *responsibility* might secure it from *abuse*. But the Gentlemen of these Associations having presumed to execute the Law without Authority, have extended its power without increasing its protection. The baleful effects of such societies are not confined to the *Commencement* of the prosecution. (b) "When bodies
 "of men voluntarily intrude themselves into a sort of
 "partnership of authority with the executive power;
 "and when the people (if these associations continue to
 "spread as they have done) may be said to be, in a manner, represented by them, where is the accused to
 "find justice among his peers, when arraigned by such
 "combinations? Where is the boasted trial by the
 "country, if the country is thus to become informer
 "and accuser? Where is that cautious distrust of accusation, which is at once our boast and our protection;
 "if the Grand Jury (or some of them) have brought in
 "the very bill, which they are to find, and have subscribed for the prosecution of it? What, then, must be
 "the

(a) See Moderator, P. 6.

(b) See Declaration of the Friends of the Liberty of the Press, Jan. 19, 1792.

“ the situation of the accused, who are tried by Juries
 “ thus prejudiced, and condemned at the Court of
 “ Quarter Sessions, where many of his judges are the
 “ very Gentlemen who have taken the lead in these
 “ Associations?” I mean not the least disrespect to the
 magistracy of this, or of any other county, but “ the
 “ best men may inadvertently place themselves in a situ-
 “ ation absolutely incompatible with their duties ; our
 “ natures are human, and we err when we consider
 “ them as divine.”——Nor is the trial by Jury the only
 bulwark of British Liberty, which these Associations
 threaten to destroy ; for the *Liberty of the Press* must
 soon be annihilated, if no man can write, but upon their
 principles, nor read with safety, what they do not ap-
 prove ; if we are to obey their mandates, that, like
 general warrants, are issued for the suppression of writ-
 ings, without any specification but the vague epithet of
 “ seditious,” which every one may apply to publications
 that militate against the interest of himself or his party.

Before I proceed to an examination of your other
 resolutions, allow me to deprecate the injustice of a cen-
 sure, which I am persuaded I shall very frequently incur.
 For I cannot possibly acquiesce in your decision, that
 “ no man has a right to judge of private motives,”
 since by the depravity, or rectitude, of these alone, am I
 enabled to distinguish between vice and virtue. If your
 position were true, it would deprive the virtuous man
 of his reward in the public esteem, and would shelter the
 villain from the contempt and hatred by which his con-
 duct is punished.

It is, however, the boast of Englishmen to be judged
 by laws, which *they* have enacted, and the Durham
 Association shall not be deprived of this valuable privi-
 lege. They have prohibited all men the right to judge
 of private motives ;—by what right, then, do *they* de-
 clare that “ the persons who compose the societies for
 “ constitutional reformation, are men of weak heads, of
 “ bad hearts, or desperate fortunes—that “ the second
 “ class

"class consists of persons of considerable talents, who
 "under the influence of a *faction spirit* are engaged in
 "attempts to promote public confusion, in order to
 "realize the dreams of their *unprincipled ambition*." (c)
 Thus whatever be the justice of their maxim, their conduct is at war with their principles.

In establishing "the fullest evidence of seditious writings, and practices," they have not indeed had the audacity to quote the authority of Mr Dundas; who was publicly convicted of a falsehood; nor have they had the folly to cite the example of a manufacturer of some thousands of daggers, for the horrid purposes of assassination, when Mr Burke alone was able to produce one;—but the nature of their evidence is equally indefinite and unauthenticated.—They appeal to the depositions of master manufacturers, and others, and the legal conviction of many seditious offenders. The credit, due to the former assertion, may be collected from the truth of the latter: Mr Perry, Mr Paine, a prisoner in the Fleet, a poor ignorant bill-sticker, and a drunken enthusiast, with perhaps a few others, are all, that the associated assistants of the Attorney General, with the officious aid of anonymous Detractors, (d) have been able to hold forth, as evidence to the public.—If *these* justify a recourse to extraordinary precautions, if *these* are a vindication of the general alarm, I know not when the nation may hope for tranquillity; since, I fear, it will be difficult to produce any period, in the English History, when some unfortunate wretches have not been convicted of similar offences. The present æra, however, we must acknowledge, affords instances of tumult unprecedented, in the British annals; and as you have forgotten to adduce them, I will assist your's and the

(c) For this sentence see the first part of "*a Word in Season*:" but the second part of the same work, and indeed almost every Pamphlet, which they have circulated, afford abundant examples of the candid consistency and the christian spirit, in which they exercise this forbidden right.

(d) See Thomas Law's Letter.

the minister's memory, with the mention of the Birmingham, the Cambridge, and the Manchester Riots. But here (as the Rev. Dr Parr observes) "the savage yell of Church and King" was the watchword of sedition; and hence the silence of ministers on this subject. In the speech from the Throne, at the opening of the Session of Parliament succeeding the Birmingham Riots, we are told of peace, procured by ministerial mediation abroad, and plenty, increased by the inestimable blessings of a constitution uniting liberty *and order at home.* (e) Such were the professions after the truly alarming Riots at Birmingham;—compare these with the pretexts of the same ministers for alarming the nation in the December of the same year. Shall I venture to hint at your *private motives* for imitating ministers in this singular omission? Perhaps you were conscious, that yourselves had contributed to foment a similar spirit of disorder, by the exasperating abuse of the Dissenters which you circulated in the letter of Thomas Bull. Your *retaining* this unchristian aspersions on your brother protestants was a deviation from your usual imitation of the mother society, as opprobrious, as the *omission* of it was a singular exception from their general conduct.

But this general conduct of the association deters you not from declaring, that they "appear to have very essentially contributed to counteract the efforts of the seditious, and to allay the apprehensions of those, who dreaded the ruinous consequences of disaffection and sedition"—No, Sir, these fears have subsided, because they were unsupported by events, they have languished in spite of the efforts of such societies to excite them.—We may appeal to the inhabitants of Durham, whether, instead of any apprehensions being allayed, they did not repose in tranquil confidence on the protection of the Laws, till the present association spread the contagion of ministerial alarm.—Perhaps your Committee

(e) King's Speech, Jan. 31, 1793.

tee may adopt the resolutions of some (f) of the fraternity, who though they see no cause of apprehension existing in the place of their establishment, think proper to anticipate the dangers of reality, by cautionary phantoms of imagination. Such men should be remanded to school, where they may again learn the fable of the Shepherd's Boy, who, incurring the contempt of his neighbours, by the spreading of *causeless* alarms, was left, on the *real* approach of the wolf to be devoured with his flock.—But even admitting your principle, that such associations have actually produced the effects ascribed to them, they at least incur the charge of inconsistency, by continuing exertions, of which the purpose is already accomplished—Is it by such inconsistency, that the “Society of the Crown and Anchor” have merited “*the thanks*” of your committee? or is it because those men have been convicted of not only suffering their own sentiments to be warped by anonymous accusations, but by communicating them to others have proved that their *inclination* to destroy the characters perhaps of respectable men, is at least coextensive with their power—men thus accused far from possessing the privilege of defence, are not even acquainted with the subject of accusation. Is this the conduct, which demands the thanks of every friend to that Constitution, which has established it as a fundamental law, that no one is to be condemned unheard? But they will, perhaps, in extenuation of their fault allege, that no punishment is inflicted in consequence of such accusations; for to *these* men it may not seem a punishment to be deprived of the good opinion of their fellow-subjects.—*They* have declared, that “all private meetings, formed with a design to take cognizance of what is transacted by the Executive and Legislative Powers, are irregular,” (g) and the long, or as it is commonly styled, the PENSIONED par-

(f) At York, Stockton, &c. &c.

(g) Proceedings of the Crown and Anchor Association, Nov. 24, 1792.

parliament of Charles II. prepared a bill, by which no man dared to ask his neighbour to join him in a petition for relief to the king, or either house of parliament (*b*)—But are either of these *kindred* bodies of men entitled to the thanks of the *real* friends of a Constitution, whose chief praise has been its encouragement of free enquiry, and which has declared it to be “the right of the subjects to petition the king,” and that “all commitments and prosecutions for such petitioning are illegal.” (*i*)—Or, perhaps, the committee deem their thanks due to this society, for having impiously perverted the sacred scriptures (*k*) themselves, for the purpose of reviving the slavish doctrines of passive obedience, and the exploded nonsense of divine right in kings. Had the society promulgated these principles in 1715, or 1745, principles which evidently invalidate the title of the House of Brunswick to the throne, a prosecution for high treason might probably have been instituted against a conduct, for which the Durham Committee have now voted their thanks.—As I, however, profess myself a friend to the *principles* of the constitution, and a zealous adherent to the protestant succession, and the title of the present royal family to the throne, I approve not the conduct of the Gentlemen at the Crown and Anchor.—My opinion is that they have not been guided by patriotic, but by private motives—that they have sought to support ministers, by whom they are fed, to perpetuate abuses, which enable ministers to feed them; and to divert the attention of the people from necessary reform, by diffusing ill grounded apprehensions. Such is my opinion of the genuine Associator of the Crown and Anchor,—Such will be the opinion of the nation, which will soon be better able to judge of him, by seeing him in more conspicuous stations—for the road he has chosen leads to preferment,—and the caterpillar that now gnaws and
cankers

(*b*) Hist. Ess. Eng. Const. 210. (*i*) See Declaration of Rights.

(*k*) See Letter of Thomas Rush.

cankers the bud of liberty in darkness—will soon take wing and flit abroad at noon-day, in all the gaudy colours in which *Office*, and *Opulence*, and *Titles* can array it.—Wishing the Durham Committee all success in the same splendid progress, I return to an examination of their *preparatory* resolutions.

Your equivocal expression of attachment to the *present* Constitution having been deservedly reprobated,—to explain an ambiguous term, you have recourse to an evasive definition.—You were pressed to declare, whether in avowing an attachment to the *present* Constitution, you intended to include the present *abuses*? and you reply, that you “mean the Constitution as it *exists at this day*, with all the improvements, which have been introduced into it since the revolution;” and *consequently* all the *abuses* which have crept into it since the same period. This is the inevitable inference, though your policy declines the addition.

But I hope I may be allowed to balance the mortification of this inference, by offering congratulations on the easy victory which you have obtained over those absurd “advocates for reform, who wish to reduce the Constitution to the state, in which it was left at the Revolution.” And, as I have not been so fortunate as to meet with such a subject of rational ridicule, I will esteem it a favour, if you will point them out to me as objects for my mirth. You cannot possibly, I think, allude to those men, who opposed you at the meeting of Dec. 20. For so far from wishing “to reduce the constitution to the state, in which it was left at the revolution,” they expressed (1) their gratitude for the many improvements, which had taken place *since* that æra; especially in the reign of his present majesty. They did not express their attachment to the STATE of the Constitution, but to the PRINCIPLES asserted at the Revolution; which are equally inimical to the abuses of the last century, and of this.—It is to these *principles*, Sir, we must finally appeal

(1) See Supplement to Newcastle Chron. Jan. 5. 1793.

peal on the discussion of every constitutional question.—These principles and not the practice of past ages must regulate the conduct of the present. If this maxim be attended to the force of your argument would be little increased even by the incontrovertible establishment of some doubtful propositions in your resolutions concerning Parliaments.

In the consideration of this subject, perspicuity obliges me to deviate from the order, which you have observed,—to unite in one view, subjects, which are scattered through many resolutions,—and many resolutions, which ultimately tend to the same subject. As I have not discovered any one of your arguments very eminently conspicuous for its force. I will give precedence to the most singular. This character is undoubtedly due to that, which ranks both the triennial and septennial laws among the improvements of a constitution, by which “the King had a right to continue the same parliament as long as he pleased;” though nothing is more evident, than that the latter was an infringement on the triennial act, by which the utmost length of parliaments had been clearly and positively ascertained.—Nor even before the triennial act, was the king’s right to an indefinite prolongation of parliament so indisputable, as your confident assertions would induce us to believe. Parliamentary history indeed, in early ages is much obscured by the omission of many essential circumstances, of which the future importance was not foreseen by the simplicity of ancient historians. The rudeness, too, of those tumultuous times afforded not men an opportunity of defining their rights, with so much accuracy, as hath been done, in the comparative tranquility of enlightened ages. There remains, however, sufficient evidence to prove, that our ancestors were particularly solicitous to procure the *frequent holding of Parliaments*. In the Saxon times, this frequency necessarily extended to *annual* Parliaments; for the members of the Wittena Gemot were mayors, or officers, who held their offices only one year; at the end
of

of which they were obliged to divest themselves of all power, and to assemble the people for new election.— And “it was agreed that Parliaments should be held *twice* every year at London, and this continued from King Alfred’s time, to that of Edward II (*m*) And, in the 36th year of Edward III. a statute was enacted appointing a Parliament to be holden every year; and referring to a similar provision made in the 4th year of the same reign.—I am not ignorant of an objection, supported by the great authority of Sir W. Blackstone, that these laws regarded the holding of *Sessions* of Parliament annually, and not the annual election of new Parliaments.— But neither authorities, nor arguments, are wanting to controvert this opinion.

In the early periods of our history when prerogative ran high, the great difficulty consisted, in obliging the sovereign to convene, a parliament *at all*. Our ancestors, therefore, chiefly directed their efforts to the attainment of that object. Nor had experience given them any cause of apprehension, that the representative would be rendered independent of his constituents, by a too long continuance in power. For in former times the business of Parliaments being comparatively simple, its duration was proportionately short; since it was the general practice not to *prorogue* but to *dissolve* parliaments, as soon as they had accomplished the purposes, for which they were convoked. (*n*)

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(*m*) *Horn’s Mirror of Justice*, Ch. 1. § 2. *Stat. Abr.* 8vo. 1725, v. 3, p. 13.

—As an instance of the great authority of parliaments, in the Saxon times, we may quote the words of Alfred, in the introduction to his laws; which, he says, he had “established by consent of his parliament; for, that he durst not attempt to do it otherwise”---See p. 32, 2d edit. *Lex Parliam.* citing *Wilkes* p. 34. and *Lambard* p. 26.

(*n*) “The Sessions of Parliament were still very short; and many of them had only one, and few of them above two or three sessions.---“The two longest parliaments in this period [from 1399, to 1485] were those of 3. H. 4. 1407; and 23. H. 6. 1446; the former of which sat, in three sessions, 159 days; and the latter, in four sessions, 178 days; but both the members and their constituents complained of the length of these parlia

To this we add, that the writs of fummons were directed to the sheriffs; ordering them to cause Knights, Citizens, and Burgeffes to be elected. Now had parliaments been sometimes annually *reaffsembled*, and at other times annually *renewed*, the writs must have partaken of this difference; they are however, (with a very few exceptions) invariably the same. The substitution, of frequent prorogations for frequent parliaments, was the attempt of our most tyrannical monarchs to bring parliaments themselves into disuse. The practice was first carried to any considerable length, under the despotism of the eighth Henry; yet his bold and haughty spirit dared not to proceed so far, as the pusillanimous James presumed at a later period. A caution this to every nation, against neglecting the first inroad on their rights, though apparently unimportant.

The people of England, however, beheld not, with un-

parliaments."-----*Henry's Hist. Great Britain*, 8vo. vi. 10, p. 67. ----- Concerning the first parliament, here mentioned by Dr Henry, we find an observation, that "we may well suppose, by the three prorogations, that it continued near a year, which was an *innovation*, in the ancient constitution, taken notice of by several historians, as a great blot in this reign."---*Parl. Hist. V. H.* p. 107. That *new* annual parliaments were intended by the statutes of the 4 Ed III, and the 36th of the same king, is confirmed from the very parliaments which enacted these laws, being themselves "*dissolved*;" the former after having dispatched a great deal of business in a short time; the later after a session of a month. ---*Parl. Hist. V. I.* p. 227.--311.--314.-----The same authority, in another place, observes, that "there is one thing greatly commendable in the government of Queen Mary. which was reviving the *ancient constitution of annual parliaments*. And, accordingly, the next year we find, that another was called to meet at Westminster, on the 21st of October, in the 3d year of her reign." And that the queen meant to revive the ancient constitution by annual *new* parliaments is proved, by her majesty's *dissolving* this parliament, on the 9th Dec. in the *same year*.---*V. III.* p. 340.--349.-----To these we may add the very respectable authority of Bacon (*on Government*, part. 2. p. 76. edit. 1739)-----"I do easily grant," says he, "that kings have many occasions and opportunities to beguile their people; yet can they do nothing as kings but what of right they ought; they may call parliaments but neither as often nor as seldom as they please if the statute laws of this realm might take place."---For this sentence the publisher had the double honour of being prosecuted under the reign of Charles II. outlawed under James II. by Judge Jeffries, and restored to his rights with his country on the accession of William III.

with unconcern, the violation of the parliamentary laws : it is even difficult to pronounce, whether the aversion of our kings from those admirable regulations, or the perseverance of the nation in asserting them, has been the more conspicuous : for we shall find, that whenever peaceable times, the pecuniary distresses of the throne, or other favourable circumstances encouraged them, the people were ever attentive to secure the frequent return of the representative to his constituents. Two examples of this have already been adduced, in the reign of Edward III. and we find a no less unequivocal proof, in 16 of Charles I.—The triennial bill, which was then enacted, was indeed afterwards repealed ; not from any inconvenience attending the frequent calling of parliaments (for no such inconvenience was pretended) but because it contained a clause, that derogated from the royal prerogative. (*o*) And the very repealing act, (*p*) which we have here alluded to, declares (in the preamble to its third clause) that, “by the antient laws, and statutes of this realm, made in the reign of king Edward III. parliaments are to be held very often ;” and this statute therefore, proceeds to enact a law of triennial parliaments.—The Revolution of 1688, presented another opportunity, which our ancestors did not neglect, and among the “undoubted rights and liberties claimed, demanded, and insisted upon” was “the frequent holding of parliaments :” and this was confirmed by the triennial act ; of which the preamble declares, that “by the ancient laws and statutes of this kingdom, frequent parliaments ought to be held, and that frequent and *new* parliaments tend very much to the happy union and good agreement of the king and people.”—And now, Sir, I should suppose, enough has been said to prove, that you ought to have been

(*o*) A clause empowering the Lord Chancellor to call a parliament, at the proper periods, in case of the royal neglect : enjoining the house of peers to perform that duty, in default of the Chancellor : and finally if the lords omitted, the people were entitled to proceed to an election of representatives,

(*p*) 16 C. 2. c. 1.

been less positive in your assertion, that "by the constitution, as established at the revolution, and for some years afterwards, the king had a right to continue the same parliament as long as he pleased."—On neither side, however, can definitive evidence be obtained; and the question, after all, is of little importance: for even the associators at the Crown and Anchor will not have the presumption to deny, that the *principles* of the constitution require parliaments to be frequently holden; and that the constituents should often be at liberty to continue, or withdraw their confidence, according to the conduct of the representative. And, however, the laws enacted on these principles, may have been disregarded by monarchs, who wished to become absolute, and were conscious that their administration could not bear the scrutiny of the people, yet their violation of these laws, can no more invalidate the principles, upon which they were established, than the infringements of Magna Charta can destroy its authority. Such were the sentiments that guided the revolution patriots: and when the quirks of courtiers perverted their meaning, when it was ingeniously discovered, that a session of parliament was a parliament, and, therefore, that frequent sessions were frequent parliaments, the same patriots vindicated their insulted rights, by the Triennial Bill. That bill passed the two houses of parliament in 1692, but was suppressed by the king's negative; and, therefore, Sir, if "the Triennial Act did not take place till 1694," it was the will of the king, and not the will of the nation, which prevented it. (q) The reasons, Sir, which, in 1715, induced the repeal of this law, by the Septennial act, will, by no means, justify your present predilection for the latter.—When a new family was just placed upon the throne, when the succession was disputed by

(q) I will here place in one view the several efforts of our ancestors at the Revolution for the establishment of frequent parliaments, by the Declaration of rights in 1688,--The Bill of rights in 1689,---The Triennial bill in 1692,---A second Triennial bill in 1693,---The Triennial act in 1694.

by political and religious factions, and when the wounds of a civil war were yet green, violent heats and animosities might be expected at elections; but the same effects cannot be produced at a time, when the royal family have successfully cultivated the opportunities, which near 80 years have afforded, to conciliate the affection of their people; when the enmity of papists no more exists even in imagination; and the national expressions of attachment ascend with one voice to the throne.—You proceed to state the greater expences occasioned by frequent elections; but this is not a necessary consequence: if the duration of parliaments be contracted, the ardor of a contest must be proportionately diminished; for no man will subject himself to the same trouble, and expence, to become a member of a triennial parliament as he would willingly incur for a septennial seat. “As the term of the continuance of a parliament is prolonged, so the expences will encrease with it. An annuity for seven years deserves a better consideration, than one for three; and those that will give money to get into parliament, will give more for seven than for three years.” (r)—The remainder of this extraordinary resolution on the preamble to the septennial act, is a proof, that your committee have not declined in the useful art of misrepresentation. They state, as the sentiments of that preamble, “that so frequent dissolutions of parliament exposed the kingdom to the plots, and machinations, of foreign enemies, and domestic factions, and were dangerous to the peace and security of the government.”—Such an account might induce any one, who imprudently depended on their authority, to suppose, that the preamble had declared such to be the *universal* consequences of frequent dissolutions. But the truth is, that it confines the *probability* of these destructive tendencies, to the particular posture of affairs, in the year 1715; for, in allusion to the Triennial act, this preamble states that, “the said provision, if it should

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continue,

(r) Lord Chief Justice Raymond on the Septennial Bill.

continue, may probably, at *this juncture*, when a restless and popish faction are designing, and endeavouring to renew the rebellion within this kingdom, and an invasion, from abroad, be destructive to the peace and security of the government.” (s)—It was more particularly your duty to give this clause its full and genuine force, as the Duke of Devonshire, who moved the bill in the upper house, and indeed all its supporters, in both houses, principally rested their arguments on the circumstances which you have omitted. And, indeed, the weight allowed to this plea, by many independent men, gives us reason to believe, that the bill would not have passed into a law, at any other juncture. Why then, was this clause in particular, the object of your mutilation? Did the spirit of Toleration render you averse from inserting what reflected on another sect of christians?—No man would see with greater rapture the dawn of that spirit than myself.—But your conduct to your protestant brethren forbids the pleasing idea. Did you mean to omit whatever weakened the inference you seem desirous of drawing, in favour of Septennial Parliaments? or did you wish to spare the feelings of our new ally, the holy and infallible Roman Pontiff?

But we have not yet exhausted this fertile subject, as I cannot admit that “*Triennial* and *septennial* Parliaments are *equally* innovations on the constitution, as it was established at the revolution.” For, I think it has been sufficiently proved, that the Constitution, at that era, and at every other, requires, that the Representative should be frequently returned to the choice of his constituents; and surely a Parliament, continued for seven years, is a greater infringement on this principle, than a Parliament which sits only for three.—But to all objections against this violation of the Constitution, you deem it, perhaps, a sufficient reply, “that most of those laws which are of the highest importance to the liberty of the subject, and the independence of Parliament (passed since

(s) See Statutes at Large, 1 G. II. c. 38.

since the Revolution) have been enacted by Septennial Parliaments :” you ought, however, to have added, that during 78 years of that period, no other Parliament has been suffered to act ; and that in the opposite scale is a dreadful weight of evils superadded or increased. But these form no part of *your* estimate ; for it is your opinion, that “ none of the defects and abuses complained of have been introduced since the accession of William (except the septennial act.)”

Are you blind, then, to the immoderate extension of the Excise Laws, upon which Judge Blackstone (*t*) observes, “ the proceedings in case of transgression are so summary, and sudden, that a man may be convicted, in two days time, in the penalty of many thousand pounds, by two Commissioners, or Justices of the Peace, to the total exclusion of the trial by Jury, and disregard of the Common Law.”

Indeed the trial, as he, in another place (*u*) expresses it, is by “ officers, who are all of them appointed and removeable at the discretion of the Crown,” and whose “ power over the property of the people is *increased* to a very *formidable* height.” The same author, after enumerating the articles of excise, styles them (*v*) “ a list, which no friend to his country would wish to see farther increased.” Since the time of Judge Blackstone, however, the *patriotism* of our *septennial Parliaments* has considerably enlarged the catalogue.

Shall we say, that defects and abuses have not been introduced since the accession of William, when every succeeding reign has added to the oppressive Code of the Game Laws ; by which (in the words of the respectable author above cited) (*w*) “ fifty-times the property is required, to enable a man to kill a partridge, as to vote for a Knight of the shire.” Yet the dreadful list of our Penal Laws has been *continually* increased, for the defence of a system, which the panegyrist of the English Constitution

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(*t*) 1 Com. 318. ——— (*u*) 4 Com. 281. ——— (*v*) 1 Com. 390.
(*w*) 4 Com. 175.

tution thus characterizes : (x)—“ From the same root with the forest laws has sprung a bastard slip, known by the name of the Game Law, now carried to and wanting in its highest vigour : both founded upon the same *unreasonable* notions of permanent property in wild creatures ; and both productive of the same tyranny to the commons : but with this difference, that the forest laws established only one mighty-hunter throughout the land, the Game Laws have raised a little Nimrod in every manor.”

The extension of the Excise and Game Laws, with numberless other statutes, since the accession of William, have increased, to an immoderate height, the summary powers of the justices of the peace, and contributed to deprive the subject of a trial by jury. And “ the burthen some increase of the business of a justice of the peace discourages many gentlemen of rank and character from acting in the commission,” (y). “ this backwardness, arising greatly from this *increase of summary jurisdiction*, is productive of a third mischief : which is, that this trust, when slighted by gentlemen, falls of course into the hands of those who are not so, but the mere tools of office. And then, the extensive power of a justice of the peace, which, even in the hands of men of honor, is *highly formidable*, will be prostituted to mean and scandalous purposes, to the low ends of selfish ambition, avarice, or personal resentment. And, from these ill consequences, we may collect the prudent foresight of our antient lawgivers, who suffered neither the property nor the punishment of the subject to be determined, by the opinion of any one, or two men : and we may, also, observe the necessity of not deviating any farther from our antient Constitution, by ordaining new penalties to be inflicted on summary convictions.” Judge Blackstone’s advice, however, has not been regarded by our Septennial Legislators, who have still continued to augment the business, and extend this “ *highly formidable power*” of

of the justices. (z)—But the most enormous abuse remains unnoticed.—A national debt, that has been suffered to encrease to the sum of 250 millions, and an annual taxation to the amount of twenty.—“ If there always had been a House of Commons, who were the faithful stewards of the interests of their country, the diligent checks on the *administration of the finances*, the constitutional advisers of the executive branch of the legislature, the steady and *uninfluenced* friends of the people, *would the burthens, which the constituents of this house are now doomed to endure have been incurred?*”—Speech of the Right Hon. William Pitt in the House of Commons, April 19, 1785. (a)—Nor need we be surpris'd, that the interests

(z) This we mention as an abuse dangerous in its general principle, without intending the least reflection on the highly respectable body of Gentlemen, who preside at the Quarter Sessions in this County.

(a) Superadded to the burthen on the people, from the payment of these additional taxes, we should include in our estimate, the increased power of the crown from the receipt of them. —“ Our national debt and taxes, [see Blackstone 1 Com. 335--6--7.] have in their natural consequences thrown such a weight of power into the executive scale of government, as we cannot think was intended by our patriot ancestors; who gloriously struggled for the abolition of the then formidable parts of the prerogative, and by an unaccountable want of foresight established this system in their stead. The entire collection and manangement of so vast a revenue, being placed in the hands of the crown, have given rise to such a multitude of new officers created by and removable at the royal pleasure, that they have extended the influence of government to every corner of the nation.” *** “ The whole of this is entirely new since the restoration in 1660; and by far the greatest part since the revolution in 1668. And the same may be said with regard to the officers, in our numerous army, and the places which the army has created.” *** “ But, though this profusion of offices should have no effect on individuals, there is still another newly acquired branch of power; and that is, not the influence only, but the force of a disciplined army; paid indeed ultimately by the people, but immediately by the crown; raised by the crown, officered by the crown, commanded by the crown.” —“ Till this adventitious power of the crown diminish, it will be our special duty, as good subjects and good Englishmen, to reverence the crown, and yet guard against corrupt and servile influence from those who are intrusted with its authority.” —How much more, then, is it become our duty, to guard against this corrupt and servile influence when, since the time,

in

interests of the nation have been betrayed, when we are informed, on the authority of the Duke of Richmond and Mr Pitt, that " The state of election of members of the house of commons, hath, in process of time, so grossly deviated from its simple, and natural principle of representation, and equality, that, in several places, the members are returned by the property of one man; that the smallest boroughs send as many members as the largest counties; and that a majority of the representatives of the whole nation are chosen by a number of votes not exceeding 12,000."—When boroughs, as here described, are the private possession of individuals, like other goods and chattels, they are bought and sold: and seats in parliament, thus rendered venal, necessarily become the property of those, whom the Constitution has been most solicitous to preclude from any influence in the popular representation. For, born to the most extensive possessions, and educated to ambition, the most obvious purchasers are the peers of the realm. But this natural tendency is, by no administration, left to its own operation: and, in the present, it is more especially notorious, that the best recommendation to a *peerage* has been an extensive property in *boroughs* (*b*) A mutual attraction thus established between them, they must soon coalesce; and then, the house of commons will be an assembly of deputies from the house of lords.—We may then look for our constitution, but shall find it only in the History of past times. (*c*)—This it is, which makes it

in which Judge Blackstone wrote, the national debt has received an addition of 110 millions; the military establishment has been considerably augmented; and the immense patronage of our East Indian possessions has been added to the power of the Crown,

(*b*) In the last ten years, nine peers have been created, who send into parliament twenty-four members of the House of Commons.

(*c*) Undue influence is not, however, monopolized by the lay members of the House of Lords---a right reverend head of the church has been known to exercise his ecclesiastical influence in unconstitutional interference

it the duty of every friend to the constitution to exert his utmost efforts, for the attainment of an immediate reform. The national declarations, of loyalty to the king, and attachment to the constitution, form innumerable gaurantees; for the *safety* of the measure; and its necessity is still farther increased, by the commencement of a ministerial war. If an uninfluenced parliament is, at any time, more particularly requisite to protect the interest of the people, it is in a time of war; and yet, it is war, which augments the power of corruption; it is war, which multiplies offices of emolument, and places of honor; it is war, which increases the influence of ministry, by augmenting the expences of the crown.—Your Committee, Sir, will, no doubt, pronounce this reasoning seditious, as exciting the people to “take cognizance of what is transacted by the executive and legislative powers of the country:” but it is my opinion, that the nation must itself declare its own sentiments, and claim what is necessary to its welfare. For if, from the gradual improvement of the Constitution, from the revolution to the present period,” we are to hope that “it will still continue to be improved,” we must, from the same rule of experience, conclude, that such improvement

interference at elections.----Circulatory letter of the Bishop of St David's to the clergy of his diocess:-----

Aberguilly, Aug. 24, 1789.

Sir William Mansel has declared himself a candidate to represent the borough of Carmarthen, in the next parliament. I cannot refrain from declaring, that he has my anxious and heartiest wishes. Mr Phillipps, the present member, has received the thanks of the Dissenters, for the part he took in a late attempt to overthrow our excellent ecclesiastical constitution, by the repeal of those wise and salutary laws the Corporation and Test Acts;---by this it is easy to guess what part he is likely to take, in any future attempt for that purpose. I hope, I shall not have the mortification to find one *single* CLERGYMAN in my Diocese, who will be so false to his own character, and his duty to the established church, as to give his vote to any man, who has discovered such principles.

I am, Rev. Sir,

Your affectionate brother, and faithful servant,

(Signed)

SAMUEL ST DAVID's.

provements will not be produced by the *voluntary* efforts of ministry: for it is notorious that most of the improvements, specified in your resolution, were *extorted* from ministers, by the strenuous exertions of opposition, and the persevering remonstrances of the people. To this, however, an exception, truly honourable to his present majesty, is found in the act for securing the independence of the Judges. And I am happy in this opportunity of expressing my gratitude to “a sovereign, who, in all those public acts, that have personally proceeded from himself, hath manifested the highest veneration for the free Constitution of Britain.” We must, however, neither suffer the rays of royal virtue to gild over the vices of ministry, nor look upon the dazzling beauties of our Constitution, till we become blinded to its defects.

A CONSTITUTIONAL REFORMER.

Durham,

March 6, 1793.

N. B. If the reader wish to know the strongest argument for the necessity of reform, let him consult the “State of the Representation of England and Wales,” published by “The friends of the people associated for the purpose of obtaining a Parliamentary Reform.”—This plain statement of facts may be had, at the price of One Shilling, of Mr Pennington, Bookseller, Durham, and of the other Booksellers mentioned in the Title Page.

FINIS.

ERRATA.

In p. 7. l. 11. for manufacturer read *manufacture*.
In p. 13, note (m) ap. fin. for Wilkes read *Wilkins*.

25

Detection confirmed.

DURHAM, Feb. 9, 1793.

AS associations upon the plan of that which is held at the Crown and Anchor have very generally taken place throughout the kingdom; the following letter, addressed to its chairman, is certainly of general importance: and more especially is it necessary that it should be perused with attention in this county, where the views of that association have been forwarded with a zeal and activity altogether unprecedented.—That the Society established here have really taken the Crown and Anchor Association for their model, and are actuated by the same principles, is very evident: by reprinting the resolutions drawn up by Mr. Reeves they virtually adopted them: their publications have been chiefly those selected by the gentlemen of the Crown and Anchor: they have made the same use of foreign politics: in short, they have generally spoken the language, and always imitated the conduct of the mother society; so that the animadversions on the one are clearly applicable to the other.—It is indeed in the natural order of things, that pensioners and placemen and their friends, should be imitated by the clergy of our cathedrals and their dependants; the former of whom cringe to the throne for immediate subsistence, while the latter servilely support it from the hopes of future preferment.

FEBRUARY 20, 1793.

Since a few copies of this paper were thrown into circulation the Durham Association have explicitly avowed their Approbation of the proceedings of the *Crown and Anchor Association*, and declared its members entitled to the thanks of every friend to the Constitution.* It was reserved to these defenders of Liberty and Justice, to hold out the retailers of anonymous accusation as the objects of National Gratitude and Imitation!

* See the Resolutions of the Committee dated Feb. 11, published Feb. 19, 1793.

(Extract from the Morning Chronicle of Jan. 24, 1793.)

TO

JOHN REEVES, ESQUIRE,

CHAIRMAN,

AND MEMBERS OF THE COMMITTEE FROM THE

ASSOCIATION

AT THE CROWN AND ANCHOR,

FOR SECURING

LIBERTY AND PROPERTY.

GENTLEMEN,

I Feel it incumbent upon me to assign to you the reasons which have influenced me to absent myself from the Sub-committee of Correspondence; and in explanation of my conduct I shall briefly recapitulate my motives for first uniting with your Association; as well as my proceedings as a member of the enlarged committee.

I had just obtained *security of property* to the natives of Bengal, Bahar, Benares, by a fixation of Land-tax, and an abolition of all internal impositions; or, to use the words of authority—"A new Constitution had been announced to many millions of the Asiatic subjects of Great Britain."—And I was rejoicing in this happy issue of my exertions, when I perused your advertisement, wherein you avowed yourselves to be—"private men unconnected with any party, or descriptions of persons at home; and taking no concern in the struggles, at this moment making abroad; but most seriously anxious to preserve the true liberty and unexampled prosperity we happily enjoy in this kingdom"—My heart immediately informed me that

that I could zealously and firmly co-operate in such a cause, and with such independency; and I accordingly subscribed my name.

Upon the first day that I became a member of the above mentioned committee, when the suppression of inflammatory publications was introduced as our primary object, I recommended, as a previous measure, the counteraction of these pamphlets; and gave the purport of the following extract from an act of the assembly of Virginia to corroborate my argument—“*That it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and that TRUTH is great and will prevail if left to herself; that she is the proper antagonist to ERROR; and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons free argument and debate, Errors ceasing to be dangerous when it is permitted freely to contradict them.*”

The gentlemen of the committee approved of my conduct, and I had the pleasure to see mildness the feature of our deliberations that day; but shortly after this, perceiving with regret a deviation from your original profession—“*to take no concern in the struggles abroad*”—I felt myself compelled to deliver the following opinion in writing.—

“When I had the honour to receive a letter from the secretary to this society, I replied—that without adverting to the politics of other countries, I should be happy to co-operate for preserving liberty and property against republicans and levellers in my own—I conceived it to be the express intention of the enlarged committee to counteract by cheap publications the delusive doctrines of seditious libellers. I used the language of moderation the first day, and had the satisfaction to be elected, by strangers to me, for one of the sub-committee; but, as we have lately introduced animadversions upon the French, I feel it incumbent upon me to dissent therefrom.”

“We are looked up to as the germ of other associations; and it is not our duty, I trust, to revive national antipathies,

which have so long distracted France and Great Britain. (a) The situation of the old government of France bears no analogy to that of Great Britain,—*We have not a Bastille to destroy,—We have not a trial by Jury to establish,—the people of Great Britain are all, I hope, conscious of the blessings of a free government, and are aware how very little they have to gain, and how very much to lose by any revolution.*" (b)

"If any emissaries are attempting to alienate the attachment of his majesty's subjects in this country, I will cordially unite in their detection, and apprehension; but I cannot

(a) This observation, both in a moral and political view, is truly excellent. But if it is proper not to foment the antipathies of nations, how much more is it our duty to put an end to those antipathies which divide a Nation itself? Whether the Imitators of Mr Reeves's Association in this County have attended to this maxim, may be drawn from their accusing the Dissenters of being the cause of the American War. This was not the opinion of the late Bishop of St Asaph—"Who (he asks in his excellent speech on the repeal of the Penal laws against the Protestant Dissenters)" who are they that have turned a whole Continent, inhabited by friends and kindred, into our bitterest enemies? Yes! they who have shorn the strength, and cut off the right arm of Britain were *all members of the established Church, all orthodox men.*" Such were the sentiments of this eloquent, learned, and pious Prelate; but so candid an avowal of the truth would ill suit the views of those *Charitable and Tolerant Clergymen* who take the lead in our present Associations.

(b) Nothing can be more just than this observation; and as there is no analogy between the old Government of France, and the Constitution of this country; so is there no danger that the moderate Reform, which many of our most respectable statesmen have long thought necessary in England, would lead to the anarchy now prevalent in France. The French had a jealous and powerful tyranny to overthrow in order to establish liberty: We already possess liberty and have a constitution fundamentally excellent, *but not perfect*, to improve.——No two situations can be more unlike; but it is the interest of many to confound them. The possessor of *Sinecures*, or undeserved pensions, sees no evil so great as public economy: The *Pluralist* and *Dignitary* declare the Church in danger the moment you hint that the overflowing of their incomes might be as well applied to the relief of the useful, but harrassed and necessitous curate: and the *Borough monger* will tell you, that the state would crumble into ruins, were you to disfranchise the rotten *Boroughs*. All these men detest Reform, because it would remove *abuses*, by which they profit; not because it would subvert the Constitution, which on the contrary they know it would strengthen.

not coincide with the gentlemen of this committee in censuring the conduct of any other government let it be ever so erroneous ; or in accusing it of trying to subvert our Constitution, as it may complain to our government of such attacks, and call upon us for proof."

"I move, therefore, that all our reasonings, and that all our exertions shall be directed against false doctrines, and against all seditious words, writings and actions whatsoever and by whomsoever ; and that we do not introduce the French, unless to shew that their arguments and measure, cannot be applied to us."

(Signed)

"T. L."

Upon these occasions, I was gratified by seeing the committee erase those animadversions which they had previously resolved upon, because deliberation shewed them to be unfounded.

The moderation of our measures, for a few days afterwards, afforded me the sincerest satisfaction, but I felt equal surprise and regret, when the following proceedings took place upon the 11th instant.—

"A Committee of correspondence to be nominated to consist of five members."

"1st. This Committee do immediately whatever is suggested by Letters, or prepare for the general Committee."

"2dly. To apply to Government to direct the Solicitor of the Treasury to attend to the suggestions of this Society this is to be done by the chairman with the Attorney General."—

Having been present when anonymous Letters were received, darkly accusing some of the first characters in this Kingdom and even his majesty's officers, which when conveyed to Government must necessarily excite alarm and distrust, and considering that individuals, however innocent, had no means of refuting clandestine calumnies, I proposed—"that the Committee of five be directed to burn all anonymous Letters accusing individuals"—but this proposition was suppressed by carrying the previous question against

against it. (c) As I deemed myself responsible for my conduct to the association at large, I requested the President to record the above proceedings, but he refused. — I next stated to the Committee that—“*since every motion and every voting formed part of our proceedings*, I hoped the foregoing would be entered;” but it being put to the vote, it was negatived.

In this predicament I am necessitated to enumerate these particulars in this letter, that reference may be had to it, should any one attribute inconsistency to me, or charge me with a dereliction of principle. I am sincerely attached to my Sovereign and the constitution of this Government; and am ready to assist in bringing any traitor to punishment; but I should condemn myself as a false friend to all, if I acted in any measure which tended, in my opinion, to frustrate the intention of its promoters and to alienate public affection.

I have asked myself, “*whether I should do unto others as I would they should do unto me*,” by admitting and perusing anonymous letters? whether confidence, that band of harmony

(c) Mr Fox has justly expressed his astonishment, that a body of men, calling themselves Gentlemen, should receive *anonymous* letters, conveying accusations against the most respectable characters; and that without knowing from whence the accusation came, or informing the persons accused of what has been alledged against them, they should spread the calumny, and even lay it before his majesty’s ministers.

What was there in the proceedings of the Star Chamber more oppressive? What is there in the Inquisition more detestable?

To the principle of this application ministers have not been inattentive; as they have already appointed agents in many provincial towns. In Newcastle, Messrs Clayton and Walters have been (after Mr M. Pearson had refused the appointment) chosen by the Solicitor of the Treasury.

It is not to be doubted that these agents will be sufficiently active; as they are not only directed to procure information against individuals; but to have the job as attorneys in conducting the consequent prosecutions.

Will it be said, that these men are answerable for an abuse of their power? No! — their office is unknown to the British Constitution; and therefore, the responsibility of ministers does not affect *them*. — Will it be alledged, that damages may be recovered, on evidence of an ungrounded prosecution? — No! — They prosecute in the name of the King, who is exempted from the payment of damages,

mony in society, must not be broken by such a measure? whether suspicion has not caused horrid assassinations and convulsions? whether any kind of inquisitorial body does not irritate to commotions? In short, my conscience has admonished me, that my love of my country, and my desire of its tranquillity all prohibit concealment.

It will be urged, that it is not necessary to act upon the information of nameless writers—why then, I ask, shall we wound our minds with baneful impressions by perusing these letters? And why let men be sunk in our estimation whom we might otherwise admire? The accused, and the person receiving the accusation are *both* injured by an anonymous letter, if any impression is made by it: every tribunal in this country requires the impreacher to confront the person arraigned, without which we could not boast that we lived—“*rara temporum felicitate, ubi licet sentire quod velis & dicere quod sentias*” (d)—but why do I expatiate on this head, I trust that you cannot but approve the principle which determines me to absent myself, however falsely delicate you may consider this determination. I will cheerfully attend the enlarged Committee, whenever summoned: and permit me to add, that if any treasonable plots exist to my knowledge, which require *peculiar efforts*, I should never withdraw myself from my situation, however irksome,

(d) Such is the honourable praise bestowed by the Roman Historian on the reign of Trajan! Such hitherto has been the distinguishing feature of this Government; under which for so the sentence has been rendered) “every man might think without awe, and speak without danger.” How long ministers intend us to enjoy that privilege, I shall not attempt to divine; but as they are now so unusually busied in prosecutions for libels, I would recommend to their serious consideration the opinion of Mr Locke, that no harm can arise to a good Government from a Spirit of Enquiry; because it leads to discussion, which must always serve a good cause—--but our ministers, and their dependant associators, wrapt up in the contemplation of their own sublime talents, look down, no doubt with contempt on the puny genius of Locke.

irksome, dangerous, or even opprobrious, wherein I could be of the least service to my Country.

I remain, Gentlemen,

Your most obedient humble Servant,

THOMAS LAW.

December 17.

No. 16, Weymouth Street.

F I N I S.

N. B. Further REMARKS on the Resolutions of the Committee of the Durham County and City Association dated February 11th, 1793, will be published in a few Days.



